

REMARKS

This is in response to the Office Action of April 9, 2008, in which claims 1, 4-7, 26, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gergic et al., U.S. Application Publication No. 2002/0198719 ("Gergic"); claims 8-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of L'Esperance et al., U.S. Application Publication No. 2002/0055844 ("L'Esperance"); and claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of Beutnagel, U.S. Patent No. 6,078,885 ("Beutnagel"). Applicants initially note that claims 1 and 4-25 are amended to replace "computer readable medium" with "computer storage medium", and claim 26 is amended to recite "an object model on a computer storage medium". With this response, pending claims 1, 4-26, and 30 are presented for reconsideration and allowance.

I. Responses to Rejections under 35 U.S.C. § 102(b)

The Office Action indicated that claims 1, 4-7, 26, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gergic. With respect to independent claim 1, the Office Action stated that, although Gergic does not explicitly disclose the same accessing techniques for both object models, this is inherent in disclosing that each object model is encapsulated within a JavaBean, meaning that the same accessing methods will be available to each object model.

Applicants respectfully disagree with this contention. Claim 1 requires that the managed code layer also includes a non-speech related object model comprising objects exposing non-speech related members for use by applications to perform non-speech related processing tasks, and that the speech-related object model and non-speech related object model are accessed using accessing techniques that are the same for both object models. As disclosed in the present application, the programming models and associated members exposed by the managed code layer in order to implement speech-related features are consistent with the programming models and members exposed by the managed code layer to non-speech applications to implement non-speech related features (present application, p. 2, line 26 to page 3, line 3; and page 12, line 26 to page 13, line 6). This is beneficial for treating operations in a similar manner across the entire platform (present application, page 13, lines 7-9). Thus, a user is not required to learn two different systems when implementing

speech-related features and non-speech related features, which significantly enhances the likelihood that speech-related technologies will gain wider acceptance (present application, page 13, lines 10-21).

As noted in the Office Action, Gergic does not explicitly disclose the same accessing techniques for both object models. Furthermore, accessing the speech-related object model and non-speech related object model using accessing techniques that are the same for both object models is not inherent in the general disclosure that each model is encapsulated within a JavaBean. “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ ” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis added); M.P.E.P. § 2112.

“JavaBeans” are merely reusable software components for the Java programming language that can be manipulated visually in a builder tool. They are classes written to conform to a particular convention, and are used to encapsulate many objects into a single object so that they can be passed around as a single object instead of as multiple individual objects. There is no teaching or suggestion that the mere use of a JavaBean framework, as disclosed in Gergic, would inherently perform the same actions as recited in claim 1, namely accessing the speech-related object model and non-speech related object model using accessing techniques that are the same for both object models. Such an operation is *not necessarily present* in the use of a JavaBean framework as disclosed in Gergic.

JavaBeans encompass a large genus of software components, and persons of ordinary skill in the art would not recognize that a speech-related object model and a non-speech related object model are accessed using accessing techniques that are the same for both object models, as recited in claim 1, by the mere disclosure of the use of JavaBeans, as contended in the Office Action. As a result, these limitations of claim 1 are entirely missing from the cited reference. Accordingly, claim 1 is not anticipated by Gergic, and is allowable. Applicants also submit that claims 4-7, which depend from claim 1, are also not anticipated by Gergic, and are separately allowable.

With respect to claim 6, the Office Action stated that Gergic discloses all limitations

of claim 5, and further discloses that the speech-related members and non-speech related members are designed to be specified and invoked in a consistent way (citing Gergic at p. 21, paragraphs 0082-0083). The Office Action further stated that this limitation is inherent in disclosing that each object model is encapsulated within a Java Bean, meaning that the same accessing methods will be available to each object model.

Claim 6 requires that the speech-related members and non-speech related members are designed to be specified and invoked in a consistent way. There is no teaching or suggestion that the mere use of a JavaBean framework, as disclosed in Gergic, would inherently perform the same actions as recited in claim 6, namely that the speech-related members and non-speech related members are designed to be specified and invoked in a consistent way. Such an operation is also not necessarily present in the use of a JavaBean framework as disclosed in Gergic. As a result, this limitation of claim 6 is entirely missing from the cited reference. Accordingly, for the reasons discussed above for claim 1, and because Gergic does not disclose that the speech-related members and non-speech related members are designed to be specified and invoked in a consistent way, claim 6 is not anticipated by Gergic, and is allowable.

With respect to independent claim 26, the Office Action rejected claim 26 on the same grounds as those for claim 1. Claim 26 recites that the exposed members are accessible using techniques that are the same as techniques used to access members exposed by non-speech related objects in a platform that contains the speech-related objects. As discussed above, "JavaBeans" are merely reusable software components for the Java programming language that can be manipulated visually in a builder tool. They are classes written to conform to a particular convention, and are used to encapsulate many objects into a single object so that they can be passed around as a single object instead of as multiple individual objects.

There is no teaching or suggestion that the mere use of a JavaBean framework, as disclosed in Gergic, would inherently perform the same actions as recited in claim 26, namely the use of exposed members that are accessible using techniques that are the same as techniques used to access members exposed by non-speech related objects in a platform that contains the speech-related objects. Such an operation is not necessarily present in the use of a JavaBean framework as disclosed in Gergic. JavaBeans encompass a large genus of

software components, and persons of ordinary skill in the art would not recognize the limitations of claim 26 by the mere disclosure of the use of JavaBeans, as contended in the Office Action. As a result, these limitations of claim 26 are entirely missing from the cited reference. Accordingly, claim 26 is not anticipated by Gergic, and is allowable. Applicants also submit that claim 30, which depends from claim 26, is also not anticipated by Gergic, and is separately allowable.

II. Response to Rejections under 35 U.S.C. § 103(a)

The Office Action also indicated that claims 8-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of L'Esperance, and that claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over Gergic in view of Beutnagel. As discussed above, Gergic does not disclose that the managed code layer includes a non-speech related object model comprising objects exposing non-speech related members for use by applications to perform non-speech related processing tasks, and that the speech-related object model and non-speech related object model are accessed using accessing techniques that are the same for both object models, as recited in claim 1.

L'Esperance and Beutnagel also do not disclose these limitations of claim 1. L'Esperance is merely directed to a speech recognition process for a hand-held device, and Beutnagel is merely directed to a system for revising or adding phonetic transcriptions of words in a phonetic dictionary. Thus, these limitations of claim 1 are entirely missing from the cited references. Accordingly, claim 1, and claims 8-23, which depend from claim 1, are not obvious over Gergic in view of L'Esperance, and are allowable. Furthermore, claim 1, and claims 24 and 25, which depend from claim 1, are not obvious over Gergic in view of Beutnagel, and are allowable.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which Applicants' attorney chooses to mention at this time. For the foregoing

reasons, Applicants reserve the right to submit additional evidence showing the distinction between Applicants' invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

It is submitted that independent claims 1 and 26 are in form for allowance. Accordingly, it also submitted that dependent claims 4-24 and 30 are in form for allowance as well due to their dependent nature. Reconsideration and allowance of claims 1, 4-26, and 30 are respectfully submitted.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Brian R. Morrison/

Brian R. Morrison, Reg. No. 58,455
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

BRM/eap